

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE CHESTER ARTHUR,

Petitioner,

vs.

WARDEN NEVEN, et al.,

Respondents.

Case No. 2:14-cv-02083-RFB-CWH

ORDER

Petitioner has submitted an application to proceed in forma pauperis (#5), a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#1), and two motions for appointment of counsel (#2, #4). Petitioner already has paid the \$5.00 filing fee, but the court grants the application and petitioner will not need to pay any further filing fees. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

Petitioner has submitted a motion to have the petition marked as filed (#10), out of concern for the timeliness of the petition. This motion is moot because the effective date of filing was December 3, 2014, when petitioner handed the petition to a prison official for mailing to this court. See Stillman v. Lamarque, 319 F.3d 1199, 1201 (9th Cir. 2003).

IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#5) is **GRANTED**. Petitioner need not pay any further filing fees (\$5.00).

IT IS FURTHER ORDERED that petitioner's motions for appointment of counsel (#2, #4) are **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

1 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days from
2 the date that this order is entered to undertake direct representation of petitioner or to indicate to the
3 court his inability to represent petitioner in these proceedings. If the Federal Public Defender does
4 undertake representation of petitioner, he shall then have sixty (60) days to file an amended petition for
5 a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the court
6 shall appoint alternate counsel.

7 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
8 signifies or will signify any implied finding of a basis for tolling during the time period established.
9 Petitioner at all times remains responsible for calculating the running of the federal limitation period
10 and timely asserting claims.

11 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General for
12 the State of Nevada, as counsel for respondents.

13 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney General
14 of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this order.

15 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance within
16 twenty (20) days of entry of this order, but no further response shall be required from respondents until
17 further order of the court.

18 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a separate
19 index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that are filed
20 further shall be identified by the number or numbers (or letter or letters) of the exhibits in the
21 attachment. The hard copy of any additional state court record exhibits shall be forwarded—for this
22 case—to the staff attorneys in Las Vegas.

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1 IT IS FURTHER ORDERED that petitioners' motion to have the petition marked as filed (#10)
2 is **DENIED** as moot.

3 DATED: July 2, 2015

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RICHARD F. BOULWARE, II
United States District Judge